IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1683 OF 2005

Satish Shrikant Parlikar ... Applicant

versus

State of Maharashtra ... Respondent

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Mr.S.R. Chitnis, with Mr. S.V. Kotwal, for the Applicant.

Mr.A.P. Mundargi, for the Respondent No.2.

Mr.K.V. Saste, A.P.P., for the Respondent.

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CORAM : A.M.KHANWILKAR,J.

28th March 2005

P.C.:

. Heard Counsel for the parties including Counsel for the added Respondent. The sum and substance of the dispute between the Applicant and Respondent No.2 revolves around the amount deposited by the Respondent No.2 as security deposit with the Applicant being sum of Rs.1 lakh

in respect of property known as Dombivli Weigh Bridge, Kalyan-Shil Road, Asde Golivili, for leave and licence basis. According to the Applicant, the dispute is essentially a civil dispute. He submits that if the Respondent No.2 is so interested, the Applicant would pay the amount of Rs.1 lakh which is deposited with the Applicant. To show his bona fide, the Applicant has deposited the said amount of Rs.1 lakh in this Court. Counsel for the Respondent No.2, however, submits that non-payment of Rs. 1 lakh towards security deposit is not the only issue pending between the parties. There are other contentious issues pending between the parties. However, according to the Applicant, the Respondent No.2 cannot muddle the issues because those matters pertain to some other agreement between the parties and the said dispute is again a civil dispute and, in any case, has no causal connection with the complaint registered by the Respondent No.2. Taking overall view of the matter, I am inclined to grant relief prayed in this application in the peculiar facts and circumstances of the case. The application is allowed on the following terms.

(A) The Applicant is granted anticipatory bail in connection with CR.No.37/2005 registered with Manpada Police Station, Dombivli, District Thane, on executing personal bond in the sum of Rs.10,000/- (Rupees ten thousand only) with two local sureties in the like amount. The same will enure till the filing of the chargesheet.

(B) The Applicant shall abide by the conditions stipulated under section 438(2) of the Code of Criminal Procedure, as applicable to the State of Maharashtra.

. It will be open to the Applicant to withdraw the amount of Rs.1 lakh deposited in this Court.

. It is made clear that all remedies available to the parties in respect of disputes pending between them are left open.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)